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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ROGER HANSEN; et al.,</p> <p style="text-align: center;">Plaintiffs - Appellants,</p> <p style="text-align: center;">v.</p> <p>UNITED STATES DEPARTMENT OF AGRICULTURE; THOMAS JAMES VILSACK, in his official capacity as Secretary of Agriculture,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 12-15206

D.C. No. 3:10-cv-08224-GMS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted June 10, 2013**

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Roger, Connie, Logan, and Jeanette Hansen (the “Hansens”) appeal pro se from the district court’s summary judgment in their action challenging the denial

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

of their application under the Federal Land Policy and Management Act for an easement for a water distribution system. We have jurisdiction under 28 U.S.C. § 1291. We review do novo, *San Luis & Delta-Mendota Water Auth. v. United States*, 672 F.3d 676, 699 (9th Cir. 2012), and we affirm.

The district court properly granted summary judgment because the Hansens failed to raise a genuine dispute of material fact as to whether the decision denying their application for an easement was arbitrary, capricious, an abuse of discretion, or otherwise unlawful based on the factors considered, the evidence reviewed, and the explanation provided by the agency. *See id.* at 699-70 (setting forth limited and specific grounds warranting reversal of an agency's decision under the terms of the Administrative Procedures Act, and noting that agency's decision should be sustained if the agency articulated a rational connection between the facts found and the conclusions made); *see also* 43 U.S.C. § 1761(c)(1) (setting forth conditions for issuance of a permanent easement for a water conveyance system).

The Hansens' contentions regarding the agency's refusal to administratively review the denial of their application, the reliability of the agency's air photo analysis, and the agency's use of the word "indicate" in the denial of their application are unpersuasive.

AFFIRMED.